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ATTORNEY DOCKET NO. 293.000218US

**IN THE UNITED STATES PATENT AND TRADEMARK  
OFFICE**

Applicant: ENGELHARDT, Johann et al.

Examiner: NGUYEN, Thong Q.

Serial No.: 09/600,208

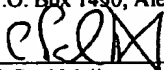
Art Unit: 2872

Filed: July 12, 2000

For: OPTICAL ARRANGEMENT IN  
THE ILLUMINATION BEAM  
PATH OF A MICROSCOPE

**Certificate of Mailing**

I certify that this Brief on Appeal is being deposited on February 24, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. §1.8 and is addressed to Mail Stop Appeal Brief- Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
C. Paul Maliszewski  
Registration No. 51,990

**SUBSTITUTE BRIEF ON APPEAL**

(37 C.F.R. §1.192)

Mail Stop Appeal Brief- Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Honorable Sir:

This Substitute Brief on Appeal is filed in reply to the Notification of Non-Compliance with 37 CFR 1.192(c) mailed January 26, 2004. The aforementioned Notification of Non-Compliance was issued in response to a Brief on Appeal filed November 18, 2003. The November 18, 2003 filing also included a \$330.00 filing fee for the aforementioned Brief on Appeal. A copy of the aforementioned Notification of Non-Compliance is attached.

Applicants respectively appeal the decision of the Examiner to finally reject Claims 17, 22, 23, 25, 28, 29, and 32-39, as set forth in the final Office Action of April 14, 2003.

**REAL PARTY IN INTEREST**

The Real Party in Interest in this matter is Leica Microsystems Heidelberg GmbH, assignee.

03/01/2004 HUONG1 00000114-500822 09600208

01 FC:1402 330.00-DA

Adjustment date: 07/06/2004 EEXUBAY1  
03/01/2004 HUONG1 00000114-500822 09600208  
01 FC:1402 330.00 CR

Socket No.

293.000218 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant: **ENGELHARDT, Johann et al**

Examiner: Nguyen, Thong Q.

Serial No: **09/600,208**

Group Art Unit: 2872

Filing Date: **July 12, 2000**For: **OPTICAL ARRANGEMENT IN THE ILLUMINATION BEAM PATH OF  
A MICROSCOPE**

Customer No. 24041

I certify that this Request is being facsimile  
transmitted to the United States Patent and Trademark  
Office in accordance with 37 CFR §1.8 to Facsimile Number  
(703)308-5077 on June 17, 2004

*C. Paul Malazewski*  
C. Paul Malazewski, Reg. No. 51,990

**REQUEST FOR REFUND****Mail Stop 16**

Director of the U.S. Patent and Trademark Office

United States Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sirs:

This is a request for refund of an erroneous charge which appears on our March 2004  
Deposit Account Statement dated 3-31-04 for the above-identified U.S. Patent Application.

Attached is a copy of our Deposit Account statement for April 2004 showing the amount  
questioned circled in black marker (date posted is 3/1/04).

As you can see from the Deposit Account Statement, we were charged for an Appeal  
Brief filing fee (FEE CODE 1402). We filed a Substitute Appeal Brief on February 24, 2004.

Page Two  
Request for Refund  
U.S. Serial No. 09/600,208  
Attorney Docket No. 293.000218US  
Sent via facsimile to: (703)308-5077  
June 17, 2004

However, the Appeal Brief filing fee was previously paid on November 18, 2003, when we filed the original Appeal Brief. The fee was paid with our check number 10018. Enclosed is a copy of the front and back of our cancelled check, as well as a copy of our acknowledgement postcard.

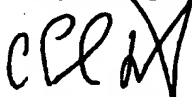
A Substitute Appeal Brief was filed on February 24, 2004 because our November 18, 2003, Appeal Brief was determined by the Patent Office to be "non-compliant." We do not believe that we should have to pay the Appeal Brief filing fee again, for re-filing the same type of document with some corrections on it.

Therefore, please proceed to credit our Deposit Account No. 500822 in the total amount of \$330.00 to rectify this erroneous charge for filing a Substitute Appeal Brief.

If anything further is needed, please advise.

Dated: June 17, 2004

Respectfully submitted,



C. Paul Maliszewski  
Registration No. 51,990  
Simpson & Simpson, PLLC  
5555 Main Street  
Williamsville, NY 14221  
Telephone: (716) 626-1564  
Facsimile: (716) 626-0366

CPM/ELS  
Enclosures

## Deposit Account Statement

Page 1 of 1


**United States  
Patent and  
Trademark Office**
**Deposit Account Statement**

Requested Statement Month:

March 2004

Deposit Account Number:

500822

Name:

SIMPSON &amp; SIMPSON, PLLC

Attention:

ELAINE L. SCHWARTZ

Address:

5555 MAIN STREET

City:

WILLIAMSVILLE

State:

NY

Zip:

14221

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
03/01	157	09600208	293.000218US	1402	\$330.00	\$3,835.00
03/02	196	10685689		8021	\$40.00	\$3,795.00
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03/15	236	10489150	NTAP:103US	2613	\$30.00	\$3,255.00
03/18	582	76316939	088AGZT101US	8521	\$40.00	\$3,215.00
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03/26	1	10113986	AGZP:102AUS	2252	\$210.00	\$7,945.00
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11/18/2003

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US Pat. Appln No. 09/600,208  
Brief on Appeal and One-Month  
Extension of Time fees  
293.000218US

MEMO

*Edward Tracy*

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⑈0000044000⑈

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12-10-001  
11-21-002  
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U.S. TREASURY

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FARM BANK, P.E.G.  
MC BANK USA 11/25/03  
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2501 WILSON BLVD PK7034  
WILSON NC 27893 11252003  
3100910851

EWT

**RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Johann Engelhardt and Heinrich Ulrich  
U.S. Patent Application No. 09/800,208

For: OPTICAL ARRANGEMENT IN THE ILLUMINATION BEAM PATH OF A  
MICROSCOPE

Examiner: Thong Q. Nguyen  
Group Art Unit: 2872

Transmitted herewith is:

- (1) Combined Notice of Appeal and Petition for Extension of Time (Late Fee)
- (1) Certificate of Mailing by First Class Mail
- (1) Check in the Amount of \$430.00 Filing Fee (\$320.00 for Notice of Appeal and \$110.00 for a One Month Extension Fee)
- (1) Postcard for Acknowledgment

Attorney Docket No.: 293.000216US Customer No. 24041

**RECEIVED****SIMPSON & SIMPSON**

DK\*  
8/27/03



**SIMPSON & SIMPSON, PLLC**

WILLIAMSBURG, NY 14221 USA

TELEPHONE (716) 626-1564

FACSIMILE (716) 626-0366

WWW.DEALAWYERS.COM

**FACSIMILE COVER SHEET**

To: Refunds Branch, Mail Stop 16  
Director of the US Patent and Trademark Office

Fax #: 703-308-5077

From: C. Paul Maliszewski, Reg. No. 51,990

Date: June 17, 2004

Our Ref. No.: 293.000218US  
U.S. Patent Appln. Serial No. 09/600,208

Pages: 7 (including cover sheet)

**Message:**

I certify that this Refund Request is being facsimile transmitted to the United States Patent and Trademark Office in accordance with 37 CFR §1.8 to Facsimile Number 703-308-5077 on June 17, 2004.

  
C. Paul Maliszewski, Reg. No. 51,900

Please see attached.

cc: E. Schwartz, Accounts Manager

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